

Message

From: Fleisig, Erica [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=57317CE4C3234AFE86380BEAB9C70BD9-EFLEISIG]
Sent: 7/10/2020 6:28:51 PM
To: Arsenault, Dan [Arsenault.Dan@epa.gov]; Brundage, Jennifer [Brundage.Jennifer@epa.gov]
CC: Knapp, Michael [Knapp.Michael@epa.gov]; Letourneau, Maria [Letourneau.Maria@epa.gov]
Subject: RE: RWQC seasonality in other states
Attachments: State.rec season.docx

The answer is definitely yes (there are even some southern states, like Alabama, that have seasonal criteria...) At the end of last year when we were dealing with potential approval of NY's rec use (which appeared to us to be newly seasonal, but they said it was always seasonal), R2 sent me the attached file. It's not comprehensive (missing Maine, Alabama, probably others), and it's outdated at this point (NY, OH, and MN all have new nuances that aren't captured), but it gives you a rough idea of a few other states that have seasonal uses. If it's really important to Maine, we could do a more comprehensive sweep but it would take a while and would require going through all states' WQS. Let us know whether that is needed/worthwhile.

But you are right about the key distinction with Maine of ensuring that in adopting the seasonal use, they aren't removing an existing use outside of that season. If the water quality and the use exist in the colder months, per communication from the tribes, then it would be difficult to approve a seasonal use in those waters and say that is consistent with our regs. We had this problem in NY too, but it was a bit more nuanced in that they were saying the use hadn't changed so we sort of skirted the issue, for now...

-Erica

From: Arsenault, Dan <Arsenault.Dan@epa.gov>
Sent: Friday, July 10, 2020 12:25 PM
To: Brundage, Jennifer <Brundage.Jennifer@epa.gov>; Fleisig, Erica <Fleisig.Erica@epa.gov>
Cc: Knapp, Michael <Knapp.Michael@epa.gov>
Subject: FW: RWQC seasonality in other states

Hi Jenn/Erica:

See message below from Susanne Meidel at Maine DEP. She asking about whether or not other states have seasonal bacteria criteria. I believe we've discussed this briefly and that other states do in fact have seasonal criteria but the issue is whether or not there are tribes who are claiming year-round use of the waters in these other states.

So the answer to Susanne's question regarding whether or not other states have seasonal bacteria criteria is yes, correct? Is there any list available that would have the states with seasonal bacteria criteria?

Thanks,

-dan

From: Meidel, Susanne K <Susanne.K.Meidel@maine.gov>
Sent: Friday, July 10, 2020 12:13 PM
To: Arsenault, Dan <Arsenault.Dan@epa.gov>
Subject: RWQC seasonality in other states

Hi Dan,

You might remember that in our 6/17 conference call about seasonality in our RWQC Brian asked whether any other northern states, e.g. North Dakota, have seasonal criteria. You thought that was the case but weren't certain. Could you please look into that for us? We are interested in knowing whether we are a true outlier. Thanks for your help!

Have a great weekend, best,
Susanne

Susanne Meidel

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